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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

STACIA STINER, et al.,
Plaintiffs
v.
BROOKDALE SENIOR LIVING, INC.;
BROOKDALE SENIOR LIVING
COMMUNITIES, INC.; and DOES 1 through
100,
Defendants.

Case No. 4:17-cv-03962-HSG

**STIPULATION AND ORDER FOR
PARTIAL EXTENSION OF EXPERT
DISCLOSURE DEADLINE**

1 Plaintiffs and Defendants hereby jointly submit the following stipulation and proposed
2 Order requesting a two-week extension of the current expert deadlines relating only to Plaintiffs'
3 individual and class claims on Defendants' transportation services and/or the Fleet Safety Policy
4 ("FSP"). Specifically, the stipulation and proposed Order would (1) extend the May 1, 2024
5 deadline for submitting expert disclosures and written expert reports to May 15, 2024 for
6 transportation and/or FSP-related opinions only, (2) extend the June 1, 2024 deadline for serving
7 rebuttal expert disclosures and written expert reports to June 17, 2024 for transportation and/or
8 FSP-related opinions only, and (3) extend the July 1, 2024 expert discovery deadline to July 15,
9 2024 for transportation and/or FSP-related opinions only. Good cause exists for such extensions
10 for the reasons described herein.

11 **STIPULATION**

12 WHEREAS, on February 4, 2024, Magistrate Judge Laurel Beeler entered an Order (ECF
13 No. 725) allowing Plaintiffs to exceed the ten-deposition limit of Fed. R. Civ. P. 30(a)(2)(A)(i) to
14 take certain depositions sought by Plaintiffs, including the deposition of Defendants' Corporate
15 Fleet Manager, Michael Johnson, and

16 WHEREAS, around that same time, Plaintiffs also sought a Rule 30(b)(6) deposition
17 relating to Plaintiffs' transportation and FSP-related claims, but had not yet filed a letter brief on
18 the issue, and

19 WHEREAS the parties subsequently resolved their dispute concerning this proposed Rule
20 30(b)(6) deposition by agreeing that Mr. Johnson would be designated to testify on behalf of
21 Defendants relating to Plaintiffs' FSP-related claims and that the depositions of Mr. Johnson in his
22 individual capacity and as the Defendants' designee would be combined, and

23 WHEREAS, the parties further agreed that ESI from Mr. Johnson based on agreed-upon
24 search terms would be produced a week prior to the deposition, and

25 WHEREAS, the parties agreed that Plaintiffs would take the deposition of Mr. Johnson on
26 March 27, 2024, and

27 WHEREAS, Defendants were able to produce a significant number of emails and
28 attachments from Mr. Johnson at least one week in advance of the deposition, but have not yet

1 been able to collect and produce other emails from Mr. Johnson due to significant and
2 unanticipated technical issues associated with Mr. Johnson's custodial file, and

3 WHEREAS, the parties discussed, and Plaintiffs agreed to, postpone Mr. Johnson's
4 deposition in order to give Defendants' time to resolve the technical issue and collect and produce
5 such information and to give Plaintiffs a reasonable period of time before the deposition to review
6 such material, and,

7 WHEREAS, the next date on which Mr. Johnson is available to be deposed is April 22,
8 2024, and

9 WHEREAS, pursuant to this Court's Scheduling Order dated January 9, 2024 (ECF No.
10 707), the current deadline for the exchange of opening expert reports is May 1, 2024, the current
11 deadline for the exchange of rebuttal expert reports is June 1, 2024, and the close of expert
12 discovery is July 1, 2024, and

13 WHEREAS, Plaintiffs believe the period of time between April 22, 2024 and the expert
14 disclosure deadline of May 1, 2024 is insufficient for Plaintiffs' expert witnesses to review the
15 deposition testimony of Mr. Johnson and prepare a report that includes opinions based on such
16 testimony, and

17 WHEREAS, Defendants believe that any period of time less than 30 days would be
18 insufficient for Defendants' expert witness(es) to prepare an expert report in opposition to
19 Plaintiffs' expert report(s) relating to the same,

20 NOW, THEREFORE, IT IS HEREBY STIPULATED, subject to this Court's approval, as
21 follows:

- 22 1. The deadline for serving expert disclosures and written reports related to Plaintiffs'
23 claims concerning Defendants' transportation services and Fleet Safety Policy is
24 extended to May 15, 2024.
- 25 2. The deadline for serving rebuttal expert disclosures and written reports related to
26 Plaintiffs' claims concerning Defendants' transportation services and Fleet Safety
27 Policy is extended to June 17, 2024.

- 1 3. The close of expert discovery related to Plaintiffs' claims concerning Defendants'
2 transportation services and Fleet Safety Policy is extended to July 15, 2024.
3 4. All other expert disclosures and report deadlines remain unchanged.

4 IT IS SO STIPULATED.

5
6 DATED: March 27, 2024

SCHNEIDER WALLACE
COTTRELL KONECKY LLP

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8 By: /s/ Guy B. Wallace
Guy B. Wallace

9 Attorneys for Plaintiffs and the Certified Class
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11 DATED: March 27, 2024

MOORE & LEE, P.C.

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13 By: /s/ Erica Rutner
Erica Rutner

14 Attorneys for Defendants
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ORDER

The Court, having considered the above Stipulation of Plaintiffs and Defendants and good cause appearing therefore, **IT IS HEREBY ORDERED** as follows:

1. The deadline for serving expert disclosures and written reports related to Plaintiffs' claims concerning Defendants' transportation services and Fleet Safety Policy is extended to May 15, 2024.
2. The deadline for serving rebuttal expert disclosures and written reports related to Plaintiffs' claims concerning Defendants' transportation services and Fleet Safety Policy is extended to June 17, 2024.
3. The close of expert discovery relating to Plaintiffs' claims concerning Defendants' transportation services and Fleet Safety Policy is extended to July 15, 2024.
4. All other expert disclosure and report deadlines remain unchanged.

IT IS SO ORDERED.

Dated: 3/27/2024



HON. HAYWOOD S. GILLIAM, JR.
United States District Judge